

1 reconsideration, yet this section could be interpreted as denying a stay in the case of a motion for
2 reconsideration.

3 Applicant argues that based on some prior projects the Council has first issued Initial
4 Orders, prior to issuing a Final Order. However, the Applicant provides no statutory requirement
5 to do so, and because numerous past applications were approvals of the said projects with
6 conditions, an action in such a case would not be applicable to this instance where the Council is
7 issuing a recommendation for denial. Also, a past practice may have been incorrect, and
8 applicant does not make the case that it was on all prior orders. Once again, there is no legal
9 basis for requiring the Council to issue an Initial Order. Section 34.05.470, which the applicant
10 cites regarding petition for reconsideration also refers only to a final order.

11 The applicant implies that they wish to change their application at this late date. This is
12 precluded by law.

13 The Applicant argues that a stay would not prejudice any party to these proceedings (p 2
14 at 39,41). I do not agree. The Application from the SE2 has caused a great deal of expenditure
15 on the part of parties who, without compensation, have been forced to respond to the Application.
16 SE2 argued throughout the proceedings that any delay would prejudice them, but argues now that
17 delay will not prejudice other parties. I have gone to great personal expense to participate in
18 these proceedings. I and other parties submitted timely information for the Council's
19 consideration. A wealth of information has been reviewed by the Council, and a decision
20 rendered that is well-considered and appropriate, based on the record supplied by the Applicant
21 and the Intervenors. It appears now that the Applicant wishes to change its application or the
22 record. This is not an appropriate legal remedy. Justice would warrant that we be able to go on
23 with our lives and businesses, rather than face further delays and expense at the hand of the
24 Applicant.

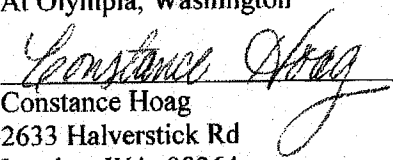
1 Applicant footnotes that SE2 attempted to make the motion to stay orally at the
2 Council's February 16, 2001 meeting in Bellingham. I note that Section 34.05.467 states that if a
3 party wishes to "submit a petition" for stay, it may do so, "within 10 days of its" [the final
4 order's] "service unless otherwise provided by statute or stated in the final order." There is no
5 provision for oral motion. Once again, the applicant provides no legal basis for the Council to
6 accept an oral argument at the time of a decision on a final order. It is more equitable to allow
7 parties adequate time to respond to a motion, as the Council has done in this case.

8 III. Conclusion

9 Applicant's arguments for a stay are without merit, will cause prejudice to myself and
10 other parties, and should be denied.

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12 DATED: February 26, 2001

13 At Olympia, Washington

14 
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